



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/589,326

06/07/2000

Andrew J. Prokop

NORT0051(11925DMUS01U)

9006

7590

05/03/2004

Dan C Hu
Trop Pruner & Hu P C
Suite 100
8554 Katy Freeway
Houston, TX 77024

EXAMINER

LEVITAN, DMITRY

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 05/03/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,326

Applicant(s)

PROKOP, ANDREW J.

Examiner

Dmitry Levitan

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6,8-11,14-16,18,20-26,28-32 and 35-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-6,8-11,28-30,37-45 and 51-57 is/are allowed.
- 6) ☒ Claim(s) 14-16,18,20-26,31,32,35,36 and 46-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 2662

Amendment, filed 04/26/04 has been entered. Claims 3-6, 8-11, 14-16, 18, 20-26, 28-32, 35-57 remain pending.

Drawings

1. The drawings were received on 04/26/04. These drawings are approved.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the data signal embodied in a carrier wave and performing one-to-many translation when receiving an inbound call request containing the callee identifier must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. In light of Applicant's amendment, the objections to the specification have been withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Art Unit: 2662

5. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 limitation "a controller adapted to establish a call session between the originating device and a voice response device separate from the system in response to the call request" is unclear because it is not understood what is separate from the system: a controller, a call session or a voice response device.

Claim Rejections - 35 USC § 102

6. Claims 14-16, 18, 20-26, 31, 46, 48-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Donovan (US 6,512,818).

7. Regarding claims 14-16, 46, 48-50, Donovan teaches a method, a signal, a system and an article (Fig. 1 and, 4:11-45) of providing call processing (4:11-20) in a communication system having a packet based network (IP network 105 on Fig. 1), comprising:

Receiving, in a system (end office 151 on Fig. 1 and 4:46-64), a first call request from a first device (call originator 101 on Fig. 1 and 5:2-3);

Processing in a system, the first call request (INVITE on Fig. 6, 5:5-14 and 8:12-17) and sending a response to the first call request to indicate an attempt to establish a call session (200 OK on Fig. 6 and 8:17-18);

Identifying one of plural destination devices (inherently part of the system, because any phone call contain a destination device identified with a phone number or address) to contact in

response to the call request; and sending a second call request (INV call terminator 611 on Fig. 6 and 8:30-39) to the one destination device (call terminator 103):

Establishing a first phone call between the first device and one of the destination devices (VOIP call 5:14-16);

Identifying another destination device and establishing a second call between the first device and another destination (inherently part of the system, because call originator can make numerous calls to separate destination one call at a time).

Second call will include sending a third call request and a fourth call request, third call will include fifth and sixth call requests, etc.

8. Regarding claims 18, Donovan teaches a system (Fig. 1 and 4:11-45) comprising:

An interface to a packet based network (inherently part of VRU 113 on Fig. 1, because VRU is connected to LAN 121 as shown on Fig. 1); and

A controller (VRU 113 5:5-16) adapted to receive, a first call request from a first device (call originator 101 on Fig. 1 and 5:2-3) and to establish a first call (5:9-10) between originating device and a first device to receive an input data (billing code or account code 5:11-14), the controller adapted to establish a second call (VOIP call 5:14-16) between the originating device and a second device based on the received input data,

Wherein the first and the second calls are part of one call session (2:59-67).

9. Regarding claims 20-22 and 31, Donovan teaches an article and a system (client-server model 300 on Fig. 3 and 6:26-50) containing instructions to:

Art Unit: 2662

process a first call request from a first device in a server mode (inherently part of the system, because Donovan teaches VRU proxy Server 305 act as a server 6:35-41);
in response to the first call request, send a second call request to a second device in a client mode (inherently part of the system, because Donovan teaches VRU proxy Server 305 act as a client 6:35-41); and
process at least one message of the first and second devices in a proxy mode (proxy server 305 acting on behalf of an end user 6:32-34).

In addition, regarding claim 31, Donovan teaches proxy Server 305 as a first, second and third modules.

Regarding claims 23-26, Donovan teaches sending response to the first device (call originator on Fig. 6 and 8:12-39) in the server mode to indicate processing of the first call request (200 OK message 603 on Fig. 6), receive a success indication responding to the second call request (200 OK message 613 on Fig. 6), process the success indication in the proxy mode (proxy server 305 acting on behalf of an end user 6:32-34), forward success indication to the first device (200 OK message 609 on Fig. 6).

Claim Rejections - 35 USC § 103

10. Claims 32, 35, 36 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan.
11. Regarding claims 32 and 35 (as understood), Donovan teaches a system comprising:

Art Unit: 2662

an interface to a packet network (inherently part of VRU 113 on Fig. 1, because VRU is connected to LAN 121 as shown on Fig. 1) to receive a call request containing a callee identifier from an originating device (billing code or account code 5:11-14); and
a controller adapted to establish a call session between the originating device and voice response device (5:9-10),
a controller adapted to identify one device from a group of devices coupled to a packet network (inherently part of the system, because any phone call contain a destination device identified with a phone number or address) based on further information received from the originating device in response to prompting from the voice response device (authorization process 5:9-14), and the controller adapted to further establish a call with the identified one device (completing VOIP call 5:14-16) using SIP (5:64-67), including some VRU functions performed at VRU controller 119 (4:49-64).

Donovan does not teach the controller, as disclosed above, separate from the VRU.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate all controller functions as disclosed above into VRU controller of Donovan as a design choice, because the modification is mere move of functions from one device to another.

Regarding claims 36 and 47, Donovan substantially teaches the limitations of claims 32 and 46, including selecting a group of devices/agents for call routing (4:51-64).

Donovan does not teach to identify a group to perform one-to-many translation to reach a group of devices.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to identify a group for one-to-many translation to reach a group of devices/agents the system of Donovan to notify a group of operators in call center.

Allowable Subject Matter

12. Claims 3-6, 8-11, 28-30, 37-45, 51-57 are allowed.

Response to Arguments

13. On page 14 of the Response, Applicant argues that Fig. 1 replacement, showing an arrow as a carrier wave, illustrates the data signal embodied in a carrier wave and performing one-to-many translation when receiving an inbound call request containing the callee identifier.

Examiner respectfully disagrees.

The process of performing one-to-many translation when receiving an inbound call request containing the callee identifier should be shown, as the drawings must show every feature of the invention specified in the claims.

On page 16 of the Response, Applicant argues that first and second call-legs of Donovan are two separate call sessions.

Examiner respectfully disagrees.

Two call-legs of Donovan are two stages of establishing one phone call/session 2:58-67. VRU acts in this session as a facilitator and releasing VRU with BYE message does not effect the established call/session.

Art Unit: 2662

The Official Notice, presented in the last Office action, concerning identifying a group to perform one-to-many translation to reach a group of devices is maintained.

Kohler (US 5,206,903) is cited herein in evidence to support examiner's taking of Official Notice.

Kohler teaches a controller performing one-to-many translation (inherently part of the system, because Kohler teaches one call is routed to a group of agents, one-to-many scheme 1:23-37).

Examiner therefore believes that the cited references meet all the claims limitations and the rejection is proper.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kohler US005206903A Automatic call distribution based on matching required skills with agents skills.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2662

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner
04/29/04.



HASSAN KIZOU

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600